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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,676	08/10/2005	Miko Mihelic	30238-420	6346

45263 7590 08/24/2009

MITCHELL P. BROOK
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 08/24/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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10511676	8/10/2005	MIHELIC, MIKO	30238-420

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EXAMINER

Anne Marie M. Boehler

ART UNIT	PAPER
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3611	20090820
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Commissioner for Patents

1. The reply filed on July 22, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has submitted a response with the filing of the Request for Continuing Examination that is not in proper form.

First, applicant has listed claims 1-19 as being "new". However, claims 1-22 were already present in the case. Applicant was required to either amend the existing claims (using proper crossing out and underlining to indicate changes made) or present new claims starting with the next consecutive number (in this case, claim 23) after the claims already entered in the case, and indicate any claims that have been canceled. In the present case, applicant has only submitted "new" claims 1-19 without indicating the changes made and without formally canceling claims 20-22.

Second, applicant has failed to provide remarks as to why the present claims distinguish over the prior art of record.

Third, applicant previously claimed an apparatus (folding bicycle) but is now claiming a method of folding a bicycle, which is a different invention, non-elected by original presentation. Apparently, no apparatus claims remain. Applicant is not entitled to change inventions mid-prosecution. Since the apparatus claims were those elected by original presentation and no apparatus claims are present in the case at this time, the application lacks any examinable claims. Correction is required.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Anne Marie M. Boehler at telephone number 571-272-6641.

Anne Marie M. Boehler
Primary Examiner
Art Unit 3611

/Anne Marie M. Boehler/
Primary Examiner, Art Unit 3611